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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 09 1999

In re

07/116,579

U.S. Patent No. RE. 32,969

Reissued on: June 27, 1989

U.S. Patent No. 4,540,568

Originally Issued: Sept. 10, 1985

Inventors: Seymour F. Trager,
et al.

For: INJECTIONABLE VISCOELASTIC
OPHTHALMIC GEL

I hereby certify that this correspondence is being deposited
with the United States Postal Service as Express mail in an
envelope addressed to: Commissioner of Patents and Trademarks,
Washington, D.C., 20231, on 9/7/99

By Frank Frisenda, Jr., Reg. No. 27, 884

Date of Signature 9/7/99

PETITION FOR ACCEPTANCE OF DELAYED PAYMENT
OF MAINTENANCE FEE IN EXPIRED PATENT TO REINSTATE PATENT
UNINTENTIONAL DELAY - 37 CFR 1.378(c)

11/12/1999 LEONDI 00000002 4540568
01 FC:188 Commissioner for Patents and Trademarks
02 FC:285 Office of Petitions
Box 1400 CH
Washington, D.C. 20231

Dear Sir:

Adjustment date: 10/21/1999 VBELL1
09/13/1999 LEONDI 00000004 4540568
02 FC:285

This is a petition to accept an unintentionally delayed
payment of third maintenance fee for the above-identified patent
(U.S. Patent No. RE. 32,969 reissued June 27, 1989; U.S. Patent
No. 4,540,568 originally issued September 10, 1985).

09/10/1999 SLUANG1 00000002 4540568

01 FC:699

3095.00 OP

Adjustment date: 09/13/1999
01 FC:188
01 FC:285

Adjustment date: 09/10/1999
01 FC:699

09/13/1999 LEONDI 00000004 4540568

01 FC:188
02 FC:285

2/27/1999 VBELL1 00000002 4540568
CHECK Refund Total: 1093.00

First and second maintenance fees were timely paid to the U.S. Patent and Trademark Office.

By Notice of Patent Expiration, your petitioner was first informed that a third maintenance fee had not been paid prior to the end of the six-month grace period in accordance 37 CFR 1.362(e). The above-identified patent had, therefore expired as of the end of the grace period, i.e., September 10, 1997.

Pursuant to 37 CFR 1.378, the Commissioner may accept the payment of any maintenance fee due on a patent after expiration of the patent if, upon petition, the delay in payment of the maintenance fee is shown to the satisfaction of the Commissioner to have been unintentional (paragraph C of this section), and if the surcharge (small entity) required by Section 1.20 (i) is paid as a condition as accepting the maintenance fee.

The patentees state the delay in payment of the third maintenance was unintentional as they believed it had been paid by a third party, i.e., Optical Radiation Corporation.

Your petitioner is registered to practice before the U.S. Patent and Trademark Office.

The required maintenance fee of \$1,455.00 set forth in 37


CFR 1.20(g) (small entity) is transmitted herewith, together with the surcharge of \$1,640.00 for an unintentionally expired patent as set forth in 37 CFR 1.20(i)(2).

You are authorized to charge any additional fees in connection with this request to our deposit account No. 06-2145.

A copy of this authorization is enclosed for accounting purposes.

Respectfully submitted,

DATED: September 6, 1999



Frank Frisenda, Jr.
Registration No. 27,884

73 Country Club Lane
Las Vegas, Nevada 89109
(702) 369-9772

D:Pet-ADPMF